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Attorneys for Defendant, MANUEL F. ABARCA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

* * * * *

UNITED STATES OF AMERICA,)	Case No.: CR-F-02-5446 OWW
)	
Plaintiff,)	APPLICATION FOR ORDER EXONERATING PROPERTY
)	BOND AND FOR RECONVEYANCE OF REAL PROPERTY
vs.)	AND ORDER THEREON
)	
HERBERT MONTOYA-SOSA,)	
LOURDES SOSA,)	
DIEGO SALCIDO-RUIZ,)	
MIGUEL ANGEL TREVINO,)	
JOSE LUIS ZARATE LUPIAN,)	
MANUEL F. ABARCA, and)	
JUAN RUBALCAVA-PICAZO,)	
)	
Defendants.)	

TO THE HONORABLE JUDGE OF THE ABOVE-ENTITLED COURT, THE UNITED STATES ATTORNEY'S
OFFICE AND/OR ITS REPRESENTATIVE AND TO ALL COUNSEL FOR CO-DEFENDANT'S HEREIN:

DEFENDANT, MANUEL F. ABARCA, through his attorney, Marc N. Kapetan,
hereby moves this Honorable Court for an order exonerating the property bond and
for reconveyance of the real property, in the above-entitled case.

On May 19, 2003, Defendant, MANUEL F. ABARCA, made his initial appearance
in this matter. On May 21, 2003, this Court ordered Defendant released from
custody under conditions of pre-trial services supervision and a \$142,000 real
property bond. A real property bond and promissory note were delivered to the
Court by RAY F. ABARCA, LUIS F. ABARCA, FRANK F. ABARCA, MAUEL F. ABARCA and GRACIELA A.
MALDONADO, as to 1335 West First Street, Merced, California, on July 1, 2003.

Thereafter, a Plea Agreement was entered into, and on June 15, 2004, the Memorandum of Plea Agreement was filed with this Court, signed by all parties concerned.

On March 22, 2005, Defendant appeared in this Court for sentencing. Defendant was sentenced by this Court and Judgment rendered in accordance with the Plea Agreement. The Court continued execution of the prison sentence until July 18, 2005.

Accordingly, on July 18, 2005, Defendant surrendered himself to the custody of the United States Marshall (F.C.I., Atwater), in full compliance with the Court's Order. Defendant is currently incarcerated at F.C.I., Atwater.

As a result of said Judgment and Sentence, Defendant respectfully requests that this Court exonerate the bond previously set by this Court and reconvey title to the real property securing said bond.

Assistant U.S. Attorney, Virna Santos, does not oppose this Motion.

Dated: November 15, 2005

Respectfully submitted

KAPETAN & KAPETAN

/s/Marc N. Kapetan
Marc N. Kapetan
Attorneys for Defendant,
Manuel F. Abarca

ORDER

IT IS HEREBY ORDERED that the property bond posted and secured by RAY F. ABARCA, LUIS F. ABARCA, FRANK F. ABARCA, MAUEL F. ABARCA and GRACIELA A. MALDONADO, as to 1335 West First Street, Merced, California, be exonerated.

Dated: November 16, 2005

/s/ OLIVER W. WANGER

OLIVER W. WANGER
Judge, U.S. District Court